

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE: CHAPTER 7

FOREST PACKING COMPANY CASE NO. 11-00627-NPO

IN RE: CHAPTER 7

LADY FOREST FARMS, INC. CASE NO. 11-01259-NPO

**APPLICATION OF TRUSTEE TO
EMPLOY EP USA, LLC**

COMES NOW, J. Stephen Smith, [hereinafter referred to as "Trustee"] for Forest Packing Company ["Forest Packing"] and Lady Forest Farms, Inc. ["Lady Forest"] in the above named bankruptcy proceedings by and through his attorney, and files this his Application of Trustee to Employ EP USA, LLC ["EPI"] pursuant to 11 U.S.C. §§327(a) and 328(a) and Rules 2014(a) and 6003(a) of the Federal Rules of Bankruptcy Procedure, and in support thereof would respectfully show as follows, to-wit:

1. That on February 21, 2011, Forest Packing filed for relief under Chapter 11 of the Bankruptcy Code.

That on April 5, 2011, Lady Forest filed for relief under Chapter 11 of the Bankruptcy Code.

2. That on May 9, 2011 Forest Packing was converted to a Chapter 7 proceeding.

That on May 24, 2011, Lady Forest was converted to a Chapter 7 proceeding.

3. The Court has jurisdiction over this matter pursuant to 22 U.S.C. §§ 157 and 1334. Venue of this case in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

4. That the Trustee desires to retain the services of EPI to assist in the marketing of

the Debtors' assets for the benefit of the estate. That the terms and conditions of the employment of EPI are attached hereto and incorporated herein as Exhibit "A"

5. That EPI represents no interest adverse to the Trustee or the estate with respect to matters upon which it is to be engaged, and the employment of EPI would be in the best interest of this estate. An Affidavit supporting this statement is attached hereto as Exhibit "B".


6. That Community Bank, a secured creditor agrees to advance \$25,000.00 to EPI in accordance with the terms and conditions as set out in paragraph 4 of the Agreement attached hereto as Exhibit "A".

That Community Bank further agrees that it shall recover its advancement of said funds based on a pro-rated distribution from the proceeds resulting from the sale of the Debtors' assets. The fees of EPI shall also be pro-rated between Community Bank and the bankruptcy estate.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that he be authorized to employ and appoint EP USA, LLC, pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Rules 2014(a) and 6003(a) of the Federal Rules of Bankruptcy Procedure, and for such other relief as is deemed just.

Respectfully submitted,

J. STEPHEN SMITH
CHAPTER 7 TRUSTEE



EILEEN N. SHAFFER
Attorney for Trustee

EILEEN N. SHAFFER, MSB #1687
401 E. Capitol St., Suite 316
Post Office Box 1177
Jackson, Mississippi 39215-1177
(601) 969-3006
enslaw@bellsouth.net

CERTIFICATE OF SERVICE

I, Eileen N. Shaffer, Attorney for Trustee, do hereby certify that I have caused to be mailed by United States Mail, postage prepaid, and electronically transmitted via ECF Noticing, a true and correct copy of the above and foregoing Application of Trustee to Employ EP USA, LLC to the following, on the day and year hereinafter set forth:

Mr. Dan Rexford
Equity Partners, Inc.
101 N. West Street
Easton, MD 21601

Derek A. Henderson, Esq.
Attorney for Bank of Forest
d_henderson@bellsouth.net

Patrick F. McAllister, Esq.
Attorney for Community Bank
pmcallister@wmjlaw.com

Donald Andrew Phillips, Esq.
Attorney for Bob Webb and Bob Webb Farms and
Earl Webb Family, LP
aphillips@mitchellmcnutt.com

Heather a. Lee, Esq.
Attorney for Porter Capital Corp.
hlee@burr.com

D. Christopher Carson, Esq.
Burr & Forman, LLP
Attorney for Porter Capital Corp.
420 N. 20th St., Suite 3400
Birmingham, AL 35203

Marc P. Solomon, Esq.
Burr & Forman, LLP
Attorney for Porter Capital Corp.
msolomon@burr.com

Jeff D. Rawlings, Esq.
Attorney for John B. Winstead
jeffdrawlings@bellsouth.net

Jim F. Spencer, Esq.
Watkins & Eager, PLLC
Attorney for Phillips Farms
jspencer@watkinseager.com

Laura Henderson-Courtney, Esq.
Ringer & Lingold
Attorney for Green Earth Products, Inc.
laura@ringerlawfirm.com

L. Jackson Lazarus, Esq.
Attorney for Alvarez Poultry & Vaccination
jacklaz@cableone.net

Jeffrey D. Prol, Esq.
Suzanne Iazzetta, Esq.
Unsecured Creditors Committee
Lownstein Sandler, PC
65 Livingston Ave.
Roseland, NJ 07068

Evan L. Thompson, Esq.
Attorney for the City of Forest
P.O. Drawer 119
Forest, MS 39074

Heather S. Deaton, Esq.
Attorney for MS Dept. Of Revenue
P.O. Box 22828
Jackson, MS 39225-2828

Brad Jeffrey Axelrod, Esq.
Attorney for Imperial Credit Corp.
baxelrod@mcglinchey.com

H. Hunter Twiford, Esq.
Attorney for Imperial Credit Corp.
htwiford@mcglinchey.com

Marcus M. Wilson, Esq.
mwilson@blswlaw.com

Craig M. Geno, Esq.
Attorney for Forest Packing Co. and
Lady Forest Farms
cmgeno@hjglawfirm.com

Henry G. Hobbs, Jr., Esq.
United States Trustee
USTPRegion05.JA.ECF@usdoj.gov

SO CERTIFIED, this the 23rd day of June, 2011.



EILEEN N. SHAFFER